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SCHEDULES.

SECOND SCHEDULE

PART I

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF COUNTY COUNCILLORS FOR THE LANDWARD AREA OF A COUNTY OR OF TOWN COUNCILLORS PRECEDING THE POLL.

Notice of Election.

- 1 (1) On, or within seven days before, the day appointed for that purpose by Part II of this Schedule, a notice of election shall be published as hereinafter provided.
- (2) The notice of election shall—
- (a) in the case of an election of county councillors, be prepared and signed by the county clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the landward area of the county or by inserting a copy of the notice at least once in one or more newspapers circulating in the county; and
 - (b) in the case of an election of town councillors, be prepared and signed by the town clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the burgh or by inserting a copy of the notice at least once in one or more newspapers circulating in the burgh.
- (3) The notice of election shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect.

Nomination of Candidates.

- 2 (1) It shall not be competent to elect to the office of county councillor or of town councillor any person unless a nomination paper in respect of him is delivered in the case of an election of a county councillor to the returning officer at the place specified in the notice of election, or in the case of an election of town councillors to the town clerk at his office, not later than the time appointed for that purpose by Part II of this Schedule.
- (2) The nomination paper shall be in the appropriate form contained in Part V of this Schedule, or in a form substantially to the like effect.
- (3) The nomination paper in the case of an election of a county councillor shall state—
- (a) if the name of the candidate appears in the register of local government electors for any electoral division within the county or for any burgh within

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the county, the name and address and register number of the candidate as appearing in such of the said registers as is specified in the nomination paper;

- (b) if the name of the candidate does not appear in any of the said registers, the full name of the candidate and his place of residence within the county (including any such burgh as aforesaid) and such information with respect to his place of residence during the twelve months before the date of the nomination as will show whether he has during the whole of the said twelve months resided within the county (including any such burgh as aforesaid);
- (c) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case;

and shall be subscribed by two proposers being local government electors for the electoral division to which the nomination applies.

- (4) The nomination paper in the case of an election of town councillors for a burgh or in the case of a burgh divided into wards for a ward shall state—
 - (a) if the name of the candidate appears in the register of local government electors for the burgh, the name and address and register number of the candidate as appearing in the said register;
 - (b) if the name of the candidate does not appear in the said register, the full name of the candidate and his place of residence within the burgh and such information with respect to his place of residence during the twelve months before the date of his nomination as will show whether he has during the whole of the said twelve months resided within the burgh;
 - (c) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case;

and shall be subscribed by two proposers being two local government electors for the burgh or, in the case of a burgh divided into wards, for the ward to which the nomination applies, and shall also be subscribed by five other local government electors for the burgh or ward, as the case may be, as assenting to the nomination.

- (5) The nomination paper shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him, consenting to be nominated as a candidate and that, if elected, he accepts office as a councillor and will faithfully perform the duties of the office, and a statement whether he is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case.
- (6) It shall not be competent to nominate as a candidate at an election of town councillors a person who at the time of nomination holds the office of town councillor of the burgh unless he falls to retire at the date of the election or has delivered to the town clerk a notice of resignation to take effect at or before the date of the election.
- (7) No person shall at an election of a county councillor sign more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.
- (8) No person shall at an election of town councillors sign more than one nomination paper in respect of the same candidate, nor shall he sign more nomination papers than there are vacancies to be filled in the burgh or, if the burgh is divided into wards,

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in the ward, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

- (9) Neither the returning officer nor any depute returning officer shall sign any nomination paper as proposer, assenter, candidate or solicitor for a candidate and if he does so, his signature shall be inoperative.
- (10) The returning officer in the case of an election of a county councillor, and the town clerk in the case of an election of a town councillor, shall receive a nomination paper and deal with it as valid, if—
- (a) the name and address of the person nominated by the nomination paper appear in the register of local government electors for any part of the county or burgh, as the case may be, or, if the name and address of the person nominated do not so appear, the place of his residence is within the county or burgh, as the case may be, and it is declared in or appears from the nomination paper that he has during the whole of the twelve months preceding the date of nomination resided within the county or burgh, as the case may be; and
 - (b) it appears from the declarations in the nomination paper that the person nominated is of full age and a British subject and not subject to any legal incapacity and that none of the disqualifications set forth in section fifty-two of this Act applies in his case; and
 - (c) the names and addresses of the proposers and (in the case of an election of a town councillor) the assenters in the nomination paper appear in the register of local government electors for the electoral division or burgh, or in the case of a burgh divided into wards for the ward, to which the nomination paper relates; and
 - (d) the nomination paper is in or substantially in the form and contains the particulars required by this Schedule; and
 - (e) the nomination is not invalid by reason of any of the provisions of sub-paragraphs (6), (7), (8) and (9) hereof,

but if the nomination paper does not comply with the foregoing provisions, the returning officer or town clerk, as the case may be, shall reject it and it shall be null and void. For the purpose of this sub-paragraph, a county shall include every burgh within the county.

Withdrawal of Nominations.

- 3 (1) A nomination may be withdrawn by notice of withdrawal delivered to the returning officer or the town clerk, as the case may be, at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule:

Provided that a nomination may not be withdrawn if its effect would be to reduce the total number of persons nominated for the election below the number necessary to supply the vacancies to be filled up in the electoral division, burgh or ward, as the case may be, at that election, and notices of withdrawal shall take effect in the order in which they are delivered.

- (2) A notice of withdrawal shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect and shall be signed by the person

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nominated or by a solicitor duly authorised by him and shall be attested by two witnesses.

- (3) If a candidate dies after his nomination and before the latest time for delivery of nomination papers, his nomination shall be deemed to have been withdrawn, and the election shall proceed as if he had not been nominated.

Nomination in more than one Electoral Division of a County or Ward of a Burgh.

- 4 A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a burgh shall, by notice signed, attested and delivered as aforesaid, withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw before the expiration of the time appointed by Part II of this Schedule for the delivery of notices of withdrawal, the returning officer shall on the expiration of the said time declare for which of those electoral divisions or wards, as the case may be, for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have duly withdrawn his candidature in those other electoral divisions or wards.

Method of Election and Publication of Result of Uncontested Election.

- 5 (1) In the case of an election of a county councillor—
- (a) if two or more persons remain validly nominated for an electoral division, the county councillor for that division shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;
 - (b) if one person only remains validly nominated for the electoral division, the returning officer shall, not later than the day appointed for that purpose by Part II of this Schedule, cause public notice to be given that there will be no poll in that division and that on the day appointed for declaring the result of the election that person shall be declared to be elected a county councillor.
- (2) In the case of the election of town councillors—
- (a) if the number of persons remaining validly nominated exceeds the number of vacancies in the burgh or in the ward, the town councillors for the Burgh or for the ward, as the case may be, shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;
 - (b) if the number of persons remaining validly nominated does not exceed the number of vacancies in the burgh or in any ward, the town clerk shall, not later than the day appointed for that purpose by Part II of this Schedule, cause public notice to be given that there will be no poll in the burgh or ward, as the case may be, and that on the day appointed for declaring the result of the election those persons shall be declared to be elected town councillors.
- (3) The public notice to be given under this paragraph shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect, and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under paragraph 2 of Part III of this Schedule and shall be published in like manner as the said notice of poll.
- (4) If a person whose name has been included in a notice given under sub-paragraph (1) (b) or sub-paragraph (2) (b) of this paragraph dies before the declaration of election, the provisions of this Act shall apply in the case of an election of a county councillor

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as if no person had remained validly nominated, and in the case of an election of town councillors as if the number of persons validly nominated were less than the number of vacancies.